

**REMARKS**

**Summary of the Office Action**

Claims 25, 26 and 40 stand rejected under 35 U.S.C. § 101 as allegedly being “directed to non-statutory subject matter.”

Claims 1, 4, 6, 11, 14, 16, 17, 19, 22 and 24-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawara et al. (U.S. Patent No. 6,278,836) (hereinafter “Kawara”).

Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara.

Claims 3, 13 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Itoh et al. (U.S. Patent No. 6,700,989) (hereinafter “Itoh”).

Claims 2, 5, 12, 15, 18, 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Kikuchi et al. (U.S. Patent No. 6,577,811) (hereinafter “Kikuchi”).

**Summary of the Response to the Office Action**

Applicants have canceled claims 25, 26, 33 and 40 without prejudice or disclaimer. Accordingly, claims 1-24 and 27-32 and 34-39 remain currently pending for consideration.

**Rejection under 35 U.S.C. § 101**

Claims 25, 26 and 40 stand rejected under 35 U.S.C. § 101 as allegedly “being directed to non-statutory subject matter.” Applicants have canceled claims 25, 26 and 40 without prejudice or disclaimer, rendering this rejection moot. Accordingly, withdrawal of the rejections under 35 U.S.C. § 101 is respectfully requested.

**Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 4, 6, 11, 14, 16, 17, 19, 22 and 24-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kawara. Claims 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara. Claims 3, 13 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Itoh. Claims 2, 5, 12, 15, 18, 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawara as applied to claims above, and further in view of Kikuchi. Applicants have canceled claims 25 26, 33 and 40 without prejudice or disclaimer, rendering the rejections of these claims moot. The rejections of the remaining claims are respectfully traversed for at least the following reasons.

At page 4 of the Office Action, the Examiner states that Kawara discloses “a device, process, and program for generating permission information indicating whether or not to permit at least one of the front and rear part record information to be further divided (Col. 37, lines 61-67 ...).”

Applicants respectfully traverse such an interpretation of Kawara for at least the following reasons. Applicants respectfully submit that the reproduction restriction of Kawara is always used for restricting a reproduction of a title or divided portions. In the Office Action’s applied portion at col. 37, lines 61-67 of Kawara, it is specifically described that a single title is divided into plural portions. This division is performed in order to restrict reproduction of a part of the title. However, this portion of Kawara does not teach restricting reproduction of the whole title. Instead, the reproduction of the divided portions of the title is restricted in Kawara. As a result, the restriction information of Kawara is provided for restricting a reproduction of the

divided portions of the title, but not for restricting a division of one title. Therefore, Applicants respectfully submit that Kawara does not disclose, or even suggest, permission information indicating whether or not to permit at least one of the front and rear part record information to be further divided as specifically described in independent claim 1 of the instant application.

Even further, Applicants respectfully submit that Kawara merely discloses that recorded information to a single title is divided into plural portions. However, Kawara does not disclose, or even suggest, that the divided plural portions are further divided. Therefore, Kawara does not disclose, or even suggest, permission information indicating whether or not to permit at least one of the front and rear part record information to be further divided, in the manner specifically described in independent claim 1 of the instant application. The remaining independent claims include similar features in this regard. Accordingly, similar arguments, as asserted above with regard to independent claim 1, also apply to the remaining independent claims.

Accordingly, Applicants respectfully submit that Kawara does not disclose, or even suggest, at least a device, process, and program for generating permission information indicating whether or not to permit at least one of the front and rear part record information to be further divided, as described in the independent claims of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because Kawara does not teach or suggest each feature of the independent claims of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2

USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from their respective independent claims and the reasons set forth above. Moreover, Applicants respectfully submit that the additionally applied reference to Itoh, with respect to claims 3, 13 and 21, does not cure the deficiencies discussed above with regard to Kawara. Moreover, Applicants respectfully submit that the additionally applied reference to Kikuchi, with respect to claims 2, 5, 12, 15, 18, 20 and 23, does not cure the deficiencies discussed above with regard to Kawara.

### **CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**



Dated: November 20, 2006

By:

Paul A. Fournier  
Reg. No. 41,023

**Customer No. 055694**

**DRINKER BIDDLE & REATH LLP**  
1500 K Street, N.W., Suite 1100  
Washington, DC 20005-1209  
Tel.: (202) 842-8800  
Fax: (202) 842-8465